

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
00-069 **#10**

In Re Application Of: **JAY S. WALKER et al.**

Serial No.
09/713,001

Filing Date
November 17, 2000

Examiner
Tran, Khoi H.

Group Art Unit
3651

RECEIVED
NOV 17 2003

Invention:

SYSTEM FOR VENDING PHYSICAL AND INFORMATION ITEMS

OFFICE OF PETITIONS

Attention: Office of Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

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3. ☐ A small entity declaration:

☐ is enclosed. ☐ was filed on _____

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$665.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____

Total fees enclosed: \$665.00

The fee of **\$665** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-0271**

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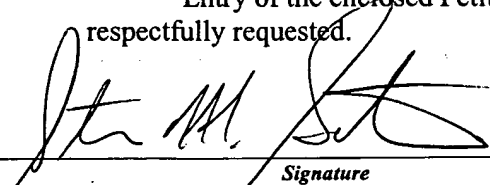
Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

On October 29, 2003 Applicants received a Notice of Abandonment for the above-referenced patent application. In reviewing the prosecution history of the case, it has come to Applicants' attention that the time limitation allowed by the USPTO to respond to the Office Action dated March 24, 2003 was unintentionally missed.

The error stemmed from Applicants' reliance on CPI, a patent management software system that is used for docketing actions, which indicated the action due but did not specify extension times and an eventual final due date (please see copy enclosed). Accordingly, the software system has since been updated manually and new reports will be run semimonthly, in order to further clarify due dates which have progressed to a final status. Responsive to the Notice to timely reply to the Office Letter of March 24, 2003, please find enclosed a copy of Response to Office Action, whereby Applicants elect a single subspecies in accordance with the restriction requirement in Paper No. 5.

Entry of the enclosed Petition and Response to the Office Action and revival of this application is respectfully requested.


Signature

Dated: November 11, 2003

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cc:

I certify that this document and fee is being deposited on November 11, 2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

Ver nika S. Leliever

Typed or Printed Name of Person Mailing Correspondence